

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,661	09/05/2003	Derek J. Hansford	22727/04137	8311
27874 75	90 08/03/2005		EXAMINER	
,	LTER & GRISWOLD,	LECHERT JR, STEPHEN J		
1110 FIFTH THIRD CENTER 21 EAST STATE STREET			ART UNIT	PAPER NUMBER
COLUMBUS, OH 43215-4243			1732	

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

h

	<u> </u>	
	Application No.	Applicant(s)
	10/656,661	HANSFORD ET AL.
Office Action Summary	Examiner	Art Unit
	Stephen J. Lechert Jr.	1732
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the o	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period was Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).
Status		
 Responsive to communication(s) filed on <u>05 Set</u> This action is FINAL. Since this application is in condition for alloward closed in accordance with the practice under E 	action is non-final. nce except for formal matters, pro	
Disposition of Claims		
4) ☐ Claim(s) <u>1-35</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) <u>1-35</u> are subject to restriction and/or expressions.	vn from consideration.	•
Application Papers	•	
9) ☐ The specification is objected to by the Examiner 10) ☑ The drawing(s) filed on 05 September 2003 is/a Applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction 11) ☐ The oath or declaration is objected to by the Examiner	re: a)⊠ accepted or b)⊡ object drawing(s) be held in abeyance. Sec ion is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in Applicati ity documents have been receive (PCT Rule 17.2(a)).	on No ed in this National Stage
A44		
Attachment(s) 1) Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail Da	

Application/Control Number: 10/656,661 Page 2

Art Unit: 1732

Restriction to one of the following inventions is required under 35
 U.S.C. 121:

- Claims 1-11, drawn to a system for fabricating polymer microparticles, classified in class 425, subclass 90.
- II. Claims 12-35, drawn to a method of creating polymer microparticles, classified in class 264, subclass 239+.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the method as claimed can be practiced by another materially different apparatus such as a liquid comminuting apparatus followed by a chilling/solidification bath.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their

Application/Control Number: 10/656,661

Art Unit: 1732

different classification, restriction for examination purposes as indicated is proper.

- 4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Lechert Jr. whose telephone number is 571-272-1203. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on

Page 4

Application/Control Number: 10/656,661

Art Unit: 1732

571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen J. Lechert Jr.

Primary Examiner

Art Unit 1732